

# Traffic Benchbook—Third Edition

## **Volume 3**



### **Michigan Judicial Institute**

Previous editions funded by the  
Michigan Office of Highway Safety Planning  
and the U.S. Department of Transportation

---

## Michigan Supreme Court

- Hon. Clifford W. Taylor, *Chief Justice*
- Hon. Michael F. Cavanagh, Hon. Elizabeth A. Weaver, Hon. Marilyn J. Kelly, Hon. Maura D. Corrigan, Hon. Robert P. Young, Jr., Hon. Stephen J. Markman, *Justices*
- Carl L. Gromek, *State Court Administrator*

## Michigan Judicial Institute Staff

- Dawn F. McCarty, *Director*
- Anne M. DeMarco, *Program Assistant*
- Rachael Drenovsky, *Learning Center Coordinator*
- Phoenix Hummel, *Research Attorney*
- Sheila J. Kallish, *Office Assistant*
- Denise D. Kruger, *Administrative Assistant*
- Lisa Kutas, *Distance Learning Manager*
- Mary Ann McDaid, *Multimedia Specialist*
- Tobin L. Miller, *Publications/Program Manager*
- Kristen Osterlund, *Program Assistant*
- Tricia A. Shaver, *Program Assistant*
- Peter C. Stathakis, *Program Manager*
- Jennifer D. Warner, *Research Attorney*
- Cathy Weitzel, *Judicial Education /Conference Center Coordinator*

The research contained in this benchbook is current through May 1, 2005. This benchbook is not intended to be an authoritative statement by the Justices of the Michigan Supreme Court regarding any of the substantive issues discussed. However, it does represent the consensus of the author and the Editorial Advisory Committee members regarding these issues.

---

# Foreword and Acknowledgments

The *Traffic Benchbook—Third Edition* is a revised and updated edition of MJJ's *Traffic Benchbook*, which was first published in 1993. The *Traffic Benchbook—Revised Edition* (1999) was developed through a project funded by the Michigan Office of Highway Safety Planning and the U.S. Department of Transportation. The Michigan Judicial Institute thanks these agencies for their generous support.

The *Traffic Benchbook—Third Edition* consists of three volumes.

**Volume 1** addresses the following topics:

- Civil infractions and civil infraction procedures (Chapters 1 and 2).
- Traffic misdemeanors in the Motor Vehicle Code (Chapter 3).

**Volume 2** addresses the following topics:

- Violations involving off-road vehicles, snowmobiles, and marine vessels and personal watercraft (Chapters 4–6).

**Volume 3** addresses the following topics:

- Drunk driving and suspended/revoked license violations under Vehicle Code §625 and §904 (Chapters 1–5).
- Traffic felonies (Chapters 6–9).

**The Juvenile Traffic Benchbook—Revised Edition** addresses procedures in cases involving traffic offenses committed by persons under 17 years of age. It is intended to be a companion volume to volumes 1 and 2.

Work on the first edition of the *Traffic Benchbook* was overseen by an Advisory Committee comprised of judges, court personnel, prosecutors, private attorneys, law enforcement officers, legislators, and social service providers. Work on the *Traffic Benchbook—Revised Edition* was similarly overseen by an Advisory Committee comprised of magistrates and other persons with expertise in the area of Michigan traffic law. For both editions, Advisory Committee members reviewed those portions of the text that addressed their areas of expertise and provided content suggestions.

---

The Advisory Committee members for the first edition of the *Traffic Benchbook* were as follows:

- Hon. Gary J. Allen, 80th District Court, Harrison
- Mr. Frederick R. Bareis, Referee, Ingham County Probate Court, Lansing
- Ms. Jennifer Bennon, Magistrate, 96th District Court, Marquette
- Hon. William F. Bledsoe, 30th District Court, Highland Park
- Ms. Izetta Bright, Magistrate, 36th District Court, Detroit
- Hon. James M. Collins, 96th District Court, Marquette
- Hon. Charles F. Filice, 54A District Court, Lansing
- Hon. Nancy C. Francis, Washtenaw County Court, Ann Arbor
- Hon. James R. McCormick, 86th District Court, Traverse City
- Mr. Bill Nelson, State Court Administrator's Office, Lansing
- Hon. John R. Perry, 36th District Court, Detroit
- Hon. Frances Pitts, Wayne County Probate Court, Detroit
- Mr. Charles Pope, Magistrate, 14B District Court, Ypsilanti
- Mr. Thomas C. Robison, Court Administrator/Referee, Eaton County Probate Court, Charlotte
- Hon. Sara J. Smolenski, 63d District Court, Grand Rapids
- Hon. Vesta Svenson, 36th District Court, Detroit
- Mr. John F. VanSlambrouck, Magistrate, 1st District Court, Monroe

The Advisory Committee members for the *Traffic Benchbook—Revised Edition* were as follows:

- Ms. Jennifer Bennon, Magistrate, 96th District Court, Marquette
- Ms. Elaine Charney, Secretary of State Driver License Appeal Division, Lansing
- Ms. Cynthia Cope, Magistrate, 96th District Court, Marquette
- Ms. Sandra Hartnell, State Court Administrator's Office, Lansing
- Ms. Jennifer Kitzmiller, Magistrate, 5th District Court, Berrien County
- Ms. Sheila Robertson Deming, State Appellate Defender's Office, Lansing
- Mr. Tom Robertson, Prosecuting Attorneys' Association of Michigan, Lansing
- Mr. John Russi, Magistrate, 41B District Court, Clinton Township
- Mr. Jim Sexsmith, Magistrate, 15th District Court, Ann Arbor
- Lieutenant John Wynalda, Department of Natural Resources, Law Enforcement Division, Lansing

MJI gratefully acknowledges the time, helpful advice, and expertise contributed by the Advisory Committee members.

The *Traffic Benchbook—Third Edition* was produced by MJI Research Attorneys Jennifer Warner and Phoenix Hummel. MJI Publications Manager, Tobin L. Miller, served as editor. Mary Ann McDaid, MJI Multimedia Specialist, was responsible for page layout, cover design, and coordination of reproduction. Denise Kruger, MJI Administrative Assistant, was responsible for distribution.

# Traffic Benchbook—Third Edition

## **Volume 3**



### **Michigan Judicial Institute**

Previous editions funded by the  
Michigan Office of Highway Safety Planning  
and the U.S. Department of Transportation

---

## Michigan Supreme Court

- Hon. Clifford W. Taylor, *Chief Justice*
- Hon. Michael F. Cavanagh, Hon. Elizabeth A. Weaver, Hon. Marilyn J. Kelly, Hon. Maura D. Corrigan, Hon. Robert P. Young, Jr., Hon. Stephen J. Markman, *Justices*
- Carl L. Gromek, *State Court Administrator*

## Michigan Judicial Institute Staff

- Dawn F. McCarty, *Director*
- Anne M. DeMarco, *Program Assistant*
- Rachael Drenovsky, *Learning Center Coordinator*
- Phoenix Hummel, *Research Attorney*
- Sheila J. Kallish, *Office Assistant*
- Denise D. Kruger, *Administrative Assistant*
- Lisa Kutas, *Distance Learning Manager*
- Mary Ann McDaid, *Multimedia Specialist*
- Tobin L. Miller, *Publications/Program Manager*
- Kristen Osterlund, *Program Assistant*
- Tricia A. Shaver, *Program Assistant*
- Peter C. Stathakis, *Program Manager*
- Jennifer D. Warner, *Research Attorney*
- Cathy Weitzel, *Judicial Education /Conference Center Coordinator*

The research contained in this benchbook is current through May 1, 2005. This benchbook is not intended to be an authoritative statement by the Justices of the Michigan Supreme Court regarding any of the substantive issues discussed. However, it does represent the consensus of the author and the Editorial Advisory Committee members regarding these issues.

---

# Foreword and Acknowledgments

The *Traffic Benchbook—Third Edition* is a revised and updated edition of MJJ's *Traffic Benchbook*, which was first published in 1993. The *Traffic Benchbook—Revised Edition* (1999) was developed through a project funded by the Michigan Office of Highway Safety Planning and the U.S. Department of Transportation. The Michigan Judicial Institute thanks these agencies for their generous support.

The *Traffic Benchbook—Third Edition* consists of three volumes.

**Volume 1** addresses the following topics:

- Civil infractions and civil infraction procedures (Chapters 1 and 2).
- Traffic misdemeanors in the Motor Vehicle Code (Chapter 3).

**Volume 2** addresses the following topics:

- Violations involving off-road vehicles, snowmobiles, and marine vessels and personal watercraft (Chapters 4–6).

**Volume 3** addresses the following topics:

- Drunk driving and suspended/revoked license violations under Vehicle Code §625 and §904 (Chapters 1–5).
- Traffic felonies (Chapters 6–9).

**The *Juvenile Traffic Benchbook—Revised Edition*** addresses procedures in cases involving traffic offenses committed by persons under 17 years of age. It is intended to be a companion volume to volumes 1 and 2.

Work on the first edition of the *Traffic Benchbook* was overseen by an Advisory Committee comprised of judges, court personnel, prosecutors, private attorneys, law enforcement officers, legislators, and social service providers. Work on the *Traffic Benchbook—Revised Edition* was similarly overseen by an Advisory Committee comprised of magistrates and other persons with expertise in the area of Michigan traffic law. For both editions, Advisory Committee members reviewed those portions of the text that addressed their areas of expertise and provided content suggestions.

---

The Advisory Committee members for the first edition of the *Traffic Benchbook* were as follows:

- Hon. Gary J. Allen, 80th District Court, Harrison
- Mr. Frederick R. Bareis, Referee, Ingham County Probate Court, Lansing
- Ms. Jennifer Bennon, Magistrate, 96th District Court, Marquette
- Hon. William F. Bledsoe, 30th District Court, Highland Park
- Ms. Izetta Bright, Magistrate, 36th District Court, Detroit
- Hon. James M. Collins, 96th District Court, Marquette
- Hon. Charles F. Filice, 54A District Court, Lansing
- Hon. Nancy C. Francis, Washtenaw County Court, Ann Arbor
- Hon. James R. McCormick, 86th District Court, Traverse City
- Mr. Bill Nelson, State Court Administrator's Office, Lansing
- Hon. John R. Perry, 36th District Court, Detroit
- Hon. Frances Pitts, Wayne County Probate Court, Detroit
- Mr. Charles Pope, Magistrate, 14B District Court, Ypsilanti
- Mr. Thomas C. Robison, Court Administrator/Referee, Eaton County Probate Court, Charlotte
- Hon. Sara J. Smolenski, 63d District Court, Grand Rapids
- Hon. Vesta Svenson, 36th District Court, Detroit
- Mr. John F. VanSlambrouck, Magistrate, 1st District Court, Monroe

The Advisory Committee members for the *Traffic Benchbook—Revised Edition* were as follows:

- Ms. Jennifer Bennon, Magistrate, 96th District Court, Marquette
- Ms. Elaine Charney, Secretary of State Driver License Appeal Division, Lansing
- Ms. Cynthia Cope, Magistrate, 96th District Court, Marquette
- Ms. Sandra Hartnell, State Court Administrator's Office, Lansing
- Ms. Jennifer Kitzmiller, Magistrate, 5th District Court, Berrien County
- Ms. Sheila Robertson Deming, State Appellate Defender's Office, Lansing
- Mr. Tom Robertson, Prosecuting Attorneys' Association of Michigan, Lansing
- Mr. John Russi, Magistrate, 41B District Court, Clinton Township
- Mr. Jim Sexsmith, Magistrate, 15th District Court, Ann Arbor
- Lieutenant John Wynalda, Department of Natural Resources, Law Enforcement Division, Lansing

MJI gratefully acknowledges the time, helpful advice, and expertise contributed by the Advisory Committee members.

The *Traffic Benchbook—Third Edition* was produced by MJI Research Attorneys Jennifer Warner and Phoenix Hummel. MJI Publications Manager, Tobin L. Miller, served as editor. Mary Ann McDaid, MJI Multimedia Specialist, was responsible for page layout, cover design, and coordination of reproduction. Denise Kruger, MJI Administrative Assistant, was responsible for distribution.